3/5/87 City p.5

'Topfree' defendant argues against the verdict

Nudity is *not* the issue with the Topfree Seven. Because there are some overlapping issues (bodies are not sinful) and because we are supported by many Naturists, the issue has become confused. Equal rights, not nudity, is the issue. We are not asking to go bare, unclothed. We are asking to have the same dress codes as men, the same freedoms and comforts as men.

The law's definition of nudity has made it appear that this is the issue—it plays with words, while we want to look at discriminatory restrictions of human behavior. The law's definition of nudity is something for one group and different for another. What's proper behavior for one group is improper for another. It's insulting, at the very least. Because women in this culture are insulted with great frequency doesn't make it right. Because discrimination is pervasive and continuous doesn't make it right.

Some terminology in this case: We have been found guilty of exposing our breasts. (Interestingly, the law reads "exposure of a person," but this action applies to females only.) We were/are not displaying, exhibiting; we were/are not doing what's connoted by that word. Going about one's business or pleasure dressed comfortably is not what most folks call exposing oneself. We're not acting upon others.

Judge Walz's decision states that "the government's underlying objective is to *protect* (emphasis mine) the general public from being *accosted* by offensive conduct..." Accosted? Let's get this straight: it's women who are being accosted in this society, not doing the accosting. Here's another term that was used regarding our action: "invasions." How vividly imaginative! And another term of questionable use here: "public sensibilities" (we allegedly offend). "Prejudices" is more like it.

The law lingo is a real trip for anyone who's used to telling it like it is. The "people" are prosecuting us. What people? Not the people I know!

"The people bear the burden of showing both the existence of an important objective and the substantial relationship between the discrimination in the statute and the accomplishment of that objective." Anyone who was in the courtroom can tell you that the people showed no such thing. The prosecutor called up one policeman after another to "prove" that we "girls" (term permitted in court) were at the scene of the crime and did what we did. We'd already admitted we did—and were proud of it.

The state did nothing to show good reason for the discrimination. On the other hand, we "girls" (aged 24-40) did all we could by testimony, research, surveys, and other means to demonstrate the fallibility of this obscene justification for discrimination.

Talk of social mores. What offends some people cannot be the basis for unjust laws. Male breasts are offensive to some, too. Laws cannot exist for the purpose of preventing what's offensive to some if those laws discriminate by skin color or gender. Look at the history of civil rights. *This* is a civil right.

Don't lawmakers and lawkeepers have a duty to question the ethics of a law as much as see that laws are followed? If one sees the injustice of a law and upholds it anyway, is this not being a political puppet rather than a person who lives by conscience?

Breasts can be sexual, of course. Breasts and other parts of all persons can be sexual. Women's breasts are in general more protruding than men's, though not necessarily. The protrusion is an example of secondary sexual characteristics. Also in that category are men's shoulders and beards, neither of which men are required to cover.

Freedom to opt for the naturalness of bare chests makes more sense to many of us than uncomfortable and costly "swimsuits" such as those displayed for profit in such rags as a recent Sports Illustrated.

We were heard in court—and found not guilty of speaking. It's okay to talk about unfairness, but not change it.

Kathie Reilly, Highland Avenue (Reilly was one of seven women arrested last June for exposing their breasts in public in a demonstration in Cobbs Hill Park. State law prohibits such exposure unless women are nursing babies or are performing—in a play or at a topless bar, for example. The women had hoped to have the law overturned, but in December City Court Judge Herman Walz upheld the law. Walz found, however, that the women's particular demonstration was protected under the First Amendment of the U.S. Constitution.)

Thank-you note

You deserve a special valentine and praise. Thank you for providing another source, open dialogue, and "things that turn over" in Rochester all the time.

I'm always sorry when favorite people leave the paper but happy for the new views. And I really appreciate the nature items, puzzles, and "who wants whom." I don't miss events with your calendar. You're a special bridge in the city I like to be in.

P.S. I'm angry about our refuse center closing; no one took the blame. Residents paid. Another study? Why not pay to have it taken over and used?

Muriel K. Wiemer, Adirondack Street.

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WEARING OF THE GREEN...
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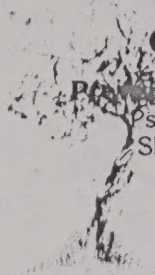
Favorite Things: Shamrock Windsocks



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